

77-2547
OLC 77-2060
12 May 1977

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Sam Hoskinson, National Security Council Staff

1. I talked with Sam Hoskinson, National Security Council staff, who gave me a report on the President's meeting with House leadership today on the subject of a select committee on intelligence.

2. Mr. Hoskinson said that the President opened the meeting by expressing his desire for a joint committee on intelligence as a permanent arrangement but to say that he would support a House select committee on intelligence along the lines of the Senate Select Committee on Intelligence as a temporary measure. House Speaker Thomas O'Neill (D., Mass.) brought with him Chairman George Mahon (D., Texas) who expressed strong opposition to the establishment of a select committee in the House, pointing out the detailed oversight which the House Appropriations Defense Subcommittee has exercised over intelligence matters in the recent past. (Hoskinson indicated that Chairman Mahon brought with him considerable documentation establishing the Defense Subcommittee's detailed oversight.)

3. Speaker O'Neill then introduced Representative Edward P. Boland (D., Mass.), who it has been rumored will be appointed Chairman of a new committee in the House, and Mr. Boland spoke out very strongly in support of a select committee. Both the President and the Speaker talked in favor of the repeal of House Rule XI and the Speaker indicated that he proposes to have this accomplished in a short time. There was also some reference to the reform charters for the Intelligence Community.

25X1
[Redacted]
GEORGE L. CARY
Legislative Counsel

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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Exemption Registry

77-1542/L

FROM:

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NO.

Legislative Counsel

25X1

DATE

10 May 1977

TO: (Officer designation, room number, and building)

DATE

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

D/DCI/IC

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Attached is the talking points paper for the President's meeting with the House leadership which was in preparation when we spoke this morning.

I believe your point paper covers everything included in ours and has done it in briefer fashion. Since you plan to attend this meeting and can cover any questions that may arise concerning our contacts with the Assassinations Committee, the Ethics Committee and the Fraser Subcommittee (all of which are in preliminary stages and moving well at this point) and can also treat with the desirability of repealing or modifying the Hughes/Ryan amendment, I have no additions to your paper.

Also attached is the Action Plan as approved by you and which I assume you will want to forward to the President.

25X1

George L. Cary
Legislative Counsel

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TALKING POINTS FOR MEETING WITH HOUSE LEADERSHIP

- We need to simplify oversight arrangements in the House by concentrating it in the absolute minimum number of committees needed to take care of legislation, budget, and oversight.

(DISCUSSION: In the House three committees are directly involved now-- Armed Services, Appropriations, and International Relations. The House Government Operations Committee claims jurisdiction through its Subcommittee on Legislation and National Security and there is no bar to other committees claiming jurisdiction on intelligence matters which may affect their interests. These claims of jurisdiction, together with the operation of House Rule XI, which provides access to all committee records and briefings, result in an unacceptable level of proliferation of sensitive intelligence operations and sources and methods throughout the entire membership of the House and a large number of committee staffers.)

- I am concerned about the proliferation of sensitive intelligence operational details and sources and methods.
- I am concerned about the absence of sound congressional guidelines to control access to such secrets. They must be shared with only those who have an absolute need-to-know in carrying out the appropriate oversight functions of the Congress.
- I believe that the dual needs of proper congressional oversight and the protection of vital secrets would be best served by a joint committee of both Houses, but realize this may not be possible to attain in the near future.
- Therefore, I recommend the establishment in the House of a Select Committee on Intelligence which, along with a subcommittee of the Appropriations Committee, would have exclusive jurisdiction for handling such secret information.
- In addition to improved security and reduced proliferation of sensitive matters, I recommend that there be an appropriate adjustment of House Rule XI concerning access to records and meetings and in the procedures for reporting of covert actions under the Hughes/Ryan Amendment. I would also welcome tighter rules and procedures against disclosure and strict limitation on staff access to such sensitive matters.
- In no way do I want to interfere with the capability of Congress to expose possible wrongdoing and I want to make sure that congressional committees benefit from the product of our foreign intelligence efforts. But I hope you agree that the need in the Congress to be privy to sensitive sources and methods information is limited and should be focused narrowly.

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ACTION PLAN - CONGRESSIONAL OVERSIGHT

A. Objectives

- Simplify oversight arrangements
 - Concentrate general oversight in absolute minimum number of committees (legislation, budget, organization, functions, activities, abuses)
- Improve security and reduce proliferation of sensitive matters
 - House Rule XI (access to records and meetings)
 - Hughes/Ryan (covert action)
 - Tighten rules and procedures against disclosure
 - Limitation on staff access
- Assure retention of congressional capability for exposure of wrongdoing
- Provide Congress with the product of foreign intelligence

B. Important Factors

- The prevailing congressional sentiment at this time favors a separate House Intelligence Committee corresponding to the Senate Select Committee on Intelligence rather than a Joint Committee
- However, a Joint Committee could be raised as the quid pro quo for legislation and legislation would be the most suitable vehicle for accomplishing Executive Branch objectives (See A above)

C. Interim Proposal

- Simplify oversight arrangements in the House by establishing a House Select Committee corresponding to the Senate Select Committee on Intelligence.
- Recognize the budgetary, efficiency, and economy roles of the Appropriations Committees
- Modify House Rule XI, limit staff access to sensitive matters, and tighten rules and procedures against disclosures
- Formalize arrangements for Budget Committees to receive at the maximum only information relating to major functional categories, without sensitive details
- Reduce the number of members who receive reporting under the Hughes/Ryan amendment
 - By rider to legislation, limit reporting only to Senate and House Select Committees (designees on these committees would represent the foreign relations Committees) and to the Senate and House Appropriations Subcommittees (the turf of these committees must be preserved because of their role in reserve releases and expenditure of funds), thus reducing covert action reporting from 7 to 4 committees, or

-- If legislation is not feasible, the House resolution establishing the House Select Committee should include an interpretation of Hughes/Ryan language that

--- "appropriate committees" means the House Select Committee and a subcommittee of the Appropriations Committee, and that the "House International Relations Committee" means a subcommittee of that committee, (thus reducing the total number of Members receiving such reporting by cutting out the full membership of the House International Relations Committee which totals 37 members)

-- A similar resolution should be passed in the Senate as it affects the Appropriations and Armed Services Committees, (thus reducing the committees in the Senate from 4 to 3) and as it affects the Senate Foreign Relations Committee (thus reducing from 16 to 2 the number of Members of that Committee entitled to receive covert action reporting)

D. Congressional Support Plan

-- First, President Carter should assemble congressional leadership to enlist their support (Tab A)

-- Second, the Vice President should follow-up with the Chairman and Ranking Minority Member of the four committees which must give up turf and of the Senate Select Committee on Intelligence (Tab B)

-- Third, under the direction of the Vice President and the DCI, the White House and the DCI's legislative liaison staffs should discuss prospects for change with:

--- Members in the House who have sponsored major intelligence reorganization legislation (Tab C)

--- And with other key Members (Tab E)

- E. Talking Points on Congressional Cooperation to Protect
Vital Intelligence Secrets attached. (Tab F)

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TAB A

PRESIDENTIAL CONTACT
(CONGRESSIONAL LEADERSHIP)

SENATE

James O. Eastland (D., Miss.), President pro tempore
Hubert H. Humphrey (D., Minn.), Deputy President pro tempore
Robert C. Byrd (D., W. Va.), Majority Leader
Alan Cranston (D., Calif), Majority Whip
Daniel K. Inouye (D., Hawaii), Secretary, Democratic Conference
Howard H. Baker (R., Tenn.), Minority Leader
Ted Stevens (R., Alaska), Minority Whip
John G. Tower (R., Texas), Chairman, Policy Committee

HOUSE

Thomas P. O'Neill (D., Mass.), Speaker of the House
James Wright (D., Texas), Majority Leader
John Brademas (D., Ind.), Majority Whip
Tom Foley (D., Wash), Chairman, Democratic Caucus
John J. Rhodes (R., Ariz.), Minority Leader
Robert H. Michel (R., Ill.), Minority Whip
John B. Anderson (R., Ill.), Chairman, Party Conference

TAB B

VICE PRESIDENTIAL CONTACT

(SENATE SELECT COMMITTEE ON INTELLIGENCE)

Daniel K. Inouye (D., Hawaii)

Barry M. Goldwater (R., Ariz.)

(CHAIRMEN AND RANKING MINORITY
MEMBERS OF THE FOUR COMMITTEES
WHO MUST GIVE UP TURF)

John C. Stennis (D., Miss.), Senate Armed Services Committee

Barry M. Goldwater (R., Ariz.), Senate Armed Services Committee

John Sparkman (D., Ala.), Senate Foreign Relations Committee

Clifford P. Case (R., N.J.), Senate Foreign Relations Committee

(Note: Senators Stennis, Goldwater, and Case will remain
in the intelligence loop as a result of their membership on
the Intelligence Operations Subcommittee of the Senate
Appropriations Committee or the Senate Select Committee
on Intelligence.)

Melvin Price (D., Ill.), House Armed Services Committee

Bob Wilson (R., Calif.), House Armed Services Committee

Clement J. Zablocki (D., Wis.), House International Relations
Committee

William Broomfield (R., Mich.), House International Relations
Committee

TAB C

CONGRESSIONAL LIAISON CONTACT

(MEMBERS IN HOUSE WHO HAVE SPONSORED
MAJOR INTELLIGENCE REORGANIZATION LEGISLATION)

Les Aspin (D., Wis.)

John Conyers (D., Mich.)

Ron Dellums (D., Calif.) (also on House
Armed Services Committee)

Robert Drinan (D., Mass.)

Gus Hawkins (D., Calif.)

~~Representative in the House of Representatives~~
Fortney Stark (D., Calif.) (also on House
International Relations Committee)

Berkley Bedell (D., Iowa) (also on House
International Relations Committee)

George Brown (D., Calif.)

Bob Carr (D., Mich.)

Shirley Chisholm (D., N.Y.)

Parren Mitchell (D., Md.)

Charles Rangel (D., N.Y.)

Edward Roybal (D., Calif.)

TAB D

CONGRESSIONAL LIAISON CONTACT

(MEMBERS CONCERNED WITH MISCONDUCT OR ABUSE)

SENATE

Edward M. Kennedy (D., Mass.)
George McGovern (D., S. Dak.) (also member
of Senate Foreign Relations Committee)
Frank Church (D., Idaho) (also member of
Senate Foreign Relations Committee)

HOUSE

Donald Fraser (D., Minn.) (also member of
House International Relations Committee)
Robert Kastenmeier (D., Wis.)
Jonathan Bingham (D., N.Y.) (also member of
House International Relations Committee)
Leo Ryan (D., Calif.) (also member of House
International Relations Committee)
Robert Giaimo (D., Conn.) (also member of
House Defense Appropriations Subcommittee)
Michael Harrington (D., Mass.) (also member
of House International Relations Committee)
Toby Moffett (D., Conn.)
Stephen Solarz (D., N.Y.) (also member of
House International Relations Committee)
Otis Pike (D., N.Y.) (also member of House
Armed Services Committee)

TAB E

CONGRESSIONAL LIAISON CONTACT

(OTHER KEY MEMBERS)

HOUSE

Jack Brooks (D., Texas)
Peter Rodino (D., N.J.)
Dale Milford (D., Texas)
Richard Bolling (D., Mo.)
Abner Mikva (D., Ill.)
Dante Fascell (D., Fla.)
Edward Derwinski (R., Ill.)
Frank Horton (R., N.Y.)
John Erlenborn (R., Ill.)
Robert McClory (R., Ill.)

SENATE

Abraham Ribicoff (D., Conn.)
Charles Percy (R., Ill.)

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TAB G

SCHEDULE

- Mid-May - Presidential Contacts - Meet with Congressional Leadership (Tab A)
- Mid-May - Vice Presidential Contacts - Meet with Senate Select Committee on Intelligence and Chairmen and Ranking Minority Members of the four committees who must give up turf (Tab B)
- Mid-May - Mid-June - Congressional Liaison Contacts - With Members in House who have sponsored major intelligence reorganization legislation, who are concerned with misconduct or abuse, and with other key Members (Tabs C, D, and E)
- July - Report by Senate Select Committee on Intelligence on the desirability of establishing a joint committee and of coordinating policies in both Houses for safeguarding intelligence information
- July - September -- Establish a Joint Committee or a House Select Committee